

First Reading: _____
Second Reading: _____

2016-077
Jr. Food Stores, Inc. by Attorney Kirby Yost/
Signal Mountain Cement Company/
Barbara Hamrick and Daniel King
District No. 1
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 101 AND 103 GLENDALE DRIVE AND TWO UNADDRESSED PROPERTIES IN THE 1100 BLOCK OF SIGNAL MOUNTAIN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone properties located at 101 and 103 Glendale Drive and two unaddressed properties in the 1100 block of Signal Mountain Road, more particularly described herein:

Lots 19 thru 22, W. S. Beck's Subdivision of the Silvey Tract at Glendale, Plat Book 7, Page 18, ROHC, being the properties described in Deed Book 4758, Page 531, Deed Book 5422, Page 726, Tract 3 of Deed Book 6237, Page 944, ROHC, and Deed Book 9781, Page 490, ROHC. Tax Map Nos. 117G-A-029 thru 032.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem

2016-077 City of Chattanooga
May 9, 2016

RESOLUTION

WHEREAS, Jr. Food Stores, Inc., by Attorney Kirby Yost /Signal Mountain Cement Company/Barbara Hamrick & Daniel King petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning from R-1 Residential Zone and C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone, properties located at 101 and 103 Glendale Drive and two unaddressed properties in the 1100 block of Signal Mountain Road.

Lots 19 thru 22, W. S. Beck's Subdivision of the Silvey Tract at Glendale, Plat Book 7, Page 18, ROHC, being the properties described in Deed Book 4758, Page 531, Deed Book 5422, Page 726, Tract 3 of Deed Book 6237, Page 944, ROHC, and Deed Book 9781, Page 490, ROHC. Tax Map 117G-A-029 thru 032 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 9, 2016,


AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

AND WHEREAS, there was opposition present to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

AND WHEREAS, the Planning Commission has determined that the proposal is not compatible with surrounding residential uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on May 9, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,

John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2016-077	Date Submitted: 03/28/2016	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-1 and C-2	To: C-2	
Total Acres in request area: 2.724 acres			
2 Property Information			
Property Address:	101 and 103 Glendale Drive, 1100 block of Signal Mountain Rd		
Property Tax Map Number(s):	117G-A-029 thru 032		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Retail/Service Establishment		
4 Site Characteristics			
Current Zoning:	R-1 and C-2		
Current Use:	Vacant and closed retail		
Adjacent Uses:	Vacant, office/retail, residential		
5 Applicant Information			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
Name: Jr. Food Stores, Inc, by Attorney Kirby Yost		Address: 700 Church St	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Bowling Green	State: KY	Zip Code: 42101	Email: kyost@chamblisslaw.com
Phone 1: 423-757-0254	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: 1. Signal Mtn. Cement Co. 2. Barbara Hamrick 3. Daniel King		Phone:	
Address:			
Office Use Only:			
Planning District: 2		Neighborhood: CNAC, Friends of Mountain Creek	
Hamilton Co. Comm. District: 2		Chatt. Council District: 1	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist			
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions	
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 2.724	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9781/490, 5422/726, 6237/944, 4758/531			
Plat Book/Page: 7/18		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 17161
Planning Commission meeting date: 05/09/2016		Application processed by: Marcia Parker	

PLANNING COMMISSION CASE REPORT

Case Number: 2016-077

PC Meeting Date: 05-09-16

Applicant Request

Rezone from R-1 Residential Zone and C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

Property Location:	101 and 103 Glendale Drive, 1100 block of Signal Mountain Road
Property Owner:	Jr. Food Stores, Inc, by Attorney Kirby Yost
Applicant:	Signal Mtn. Cement Co., Barbara Hamrick, and Daniel King

Project Description

- Proposal: Develop 2.7-acre site with a retail building with fuel stations.
- Proposed Access: Access from Glendale Drive
- Proposed Development Form: The applicant's site plan shows a 1-story 10,500 square foot retail building with parking between the building and the road and fuel stations to the side.

Site Analysis**Site Description**

- Location: The 2.7 acre site is located on the north side of the Glendale Drive and Signal Mountain Road "T" intersection.
- Current Access: Access from Glendale Drive
- Tennessee Department of Transportation Functional Classification: Signal Mountain Road is designated an Urban Minor Arterial.
- Current Development form: The site currently has a retail store with parking between the building and the road. The site increases in topography up the mountain at the rear. To the west of the site are vacant lots. To the east of the site is a small-lot subdivision. South of the site are Signal Mountain Road and a single story building with parking.
- Current Land Uses: West and north of the site are large vacant and wooded lots. To the east of the site are low-density residential uses. To the south is a commercial use and vacant lots.

Zoning History

- The site is currently zoned R-1 Residential Zone and C-2 Convenience Commercial Zone.
- The properties to the north, west, and south are zoned R-1 Residential Zone. The properties to the southeast are zoned C-2 Convenience Commercial Zone, R-4 Special Zone, and R-5 Residential Zone. The property to the east is zoned R-5 Residential Zone.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- There is no current adopted land use plan for this area.
- The Comprehensive Plan Update 2030 (adopted by Planning Commission March 14, 2016) places this site in both Level 1 and Level 4 intensity. Level 1 area are defined by areas that are culturally, environmentally, or aesthetically significant but are not managed or protected (100-year floodplains, pasture/hay areas or cultivated crops, areas having 25%-100% slopes, and priority conservation forest blocks). Because these areas contain sensitive environmental features, they have the least potential for development, or future public services and facilities. Level 4 areas are close to major road intersections, they have a moderate to high potential for infill and for building well-defined neighborhood centers, parks, and a more concentrated mix of residential and nonresidential uses, accompanied by new multimodal connections and transportation facilities. Resource protection opportunities should be incorporated into development site design or public parks/green spaces/ plazas.
- The C-2 Convenience Commercial Zone permits most commercial uses and would require a 20-foot wide landscape buffer where adjacent to a residential zone.

PLANNING COMMISSION CASE REPORT

Key Findings

- The proposed use is not compatible with surrounding residential uses.
- The proposal is not consistent with the development form of the area.
- The proposed structure does raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The proposal would continue a precedent for future requests by allowing expansion of more intense zones onto sensitive land.
- Expanding this commercial site would create the potential for additional turning conflicts and safety concerns at the Glendale Drive and Signal Mountain Boulevard intersection.
- The Chattanooga Department of Transportation would require a widening of Glendale Drive and limitations on curb-cuts to be able to handle an increase in commercial development at this location.

Staff Recommendation

Deny

Petition in OPPOSITION to proposed re-zoning
at the intersection of Signal Mountain Road
and Glendale Drive

RE-ZONING CASE #2016-077

To Chip Henderson and members of the Chattanooga City Council:

We, the undersigned, are **STRONGLY OPPOSED** to the proposed re-zoning of the land at the corner of Signal Mountain Road and Glendale Road. We would like to see this area remain residential as it is zoned (except for the small 2,000 sq ft bldg. that we realize is already zoned commercial).

Name	Address	Phone Number	Email	viatek . com
Joe Durek	907 Kentucky Ave Signal Mt 37377	407 702-9418	joe@VIATEK.COM	
Dean Dutton	1150 James Blvd Signal Mtn 37377	423-802-7817	dean.hutson@epbf.com	
David Clark	1045 Sunset Dr. 37377 TN	407-443-3110		
Joel Corley	1211 Sunset Drive Signal Mt.	415-974-5989	JoelCorley@gmail.com	
Meredith Corley	1211 sunset drive Signal Mtn TN 37377	330-202-1910	MereCorley@gmail.com	
Don Monrose	907 Cherokee L Signal Mtn 2	886-4772		
Linda Farnsworth	1431 Sunset Sig mtn	605-2149	bugs897@aol.com	
Don Lyons	1207 Sunset Signal Mtn	886-2638	JVPLYOUS@EPB.com	
Steve Ferrara	3 Stokeden Dr Signal Mtn	303-9309	JeffMed919@aol.com	

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Name	Address	Phone Number	Email
Denise Goulet	304 Glendale Dr.	423-580-6669	dbushinewd4@live.com
Ron Goulet	304 Glendale Dr	423-903-9036	ron-goulet@utc.edu
Pamela Payne	107 Glendale Dr.	423-385-9320	seppamond@yahoo.com
Clair Griesinger	40 Carriage Hill	423-364-8590	smcitizen@cpb.tn
Bob Griesinger	40 Carriage Hill	423-364-8590	smcitizen@cpb.tn
Deborah Mynatt	<u>City Resident</u> 1458 Palisades Rd.	423-886-4204	debmynatt@gmail.com
Spencer, Heidi Chinen	289 Marroest Lane	423-822-3141	heidichinen@hotmail.com
Carol Jacobs	306 Glendale	423-595-2975	judymasters@gmail.com
Ryan Raker	3412 Fairman	423-298-2830	20425363@comcast.net

Dawn Lue 1320 Sunset Ave 423-886-4171 Eshill@hotmail.com

To Chip Henderson and members of the Chattanooga City Council:

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Name	Address	Phone Number	Email
Charles Calmuck	3010 W. 18th Field Dr. Signal Mtn, TN 37377	423 886 3854	bgwomuzza/kal@ppfi.com
Rick Foster	4603 14th Ave. Chattanooga TN 37407	423 903 0244	habitedhound@gmail.com
Missa Hartmann	507 James Blvd 37377	423-304-3738	m_hartmann@comcast.net
Darlene Walde	5105 Anderson Pk Signal Mtn, TN 37377	(423) 462-7695	
Mary O'Neill	303 Laurel St Signal Mountain TN 37377	732 723-267-8364	marymkoneil@gmail.com
Matt O'Neill	303 Laurel St Signal Mtn, TN 37377	732-267-8501	matth.521.0neille@gmail.com
Judy Masters	306 Glendale Dr. Chatt. Jn. 37405	423-595-2975	judymasters@gmail.com
Corinne Giagnorio	57 Carriage Hill Signal Mtn, TN 37377	423-580-5346	corinnelise@earthlink.net
Amy Wermont	1146 James Blvd Signal Mtn, TN 37377	423-617-8400	atwermont@gmail.com

Rezoning Protest Petition

We the undersigned oppose and protest rezoning proposal case no. 2016-077.

We the undersigned are owners of real property or residents in the Glendale Drive neighborhood, the general area for which zoning change is sought for parcels located at and adjacent to 101 Glendale Drive, the end that intersects with Signal Mountain Road.

Signature	Printed Name	Address
<u>Leslie Bruce</u>	<u>Leslie Bruce</u>	<u>311 Glendale Dr.</u>
<u>Johnson Thomas</u>	<u>Johnson Thomas</u>	<u>311 Glendale Dr</u>
<u>Robert Headrick</u>	<u>Robert Headrick</u>	<u>308 Glendale Dr.</u>
<u>Angel Headrick</u>	<u>Angel Headrick</u>	<u>308 Glendale Dr.</u>
<u>Jared Scoggins</u>	<u>Jared Scoggins</u>	<u>308 Glendale Dr.</u>
<u>Hunter Pruett</u>	<u>Hunter Pruett</u>	<u>200 Glendale Dr.</u>
<u>Kyle Chambers</u>	<u>Kyle Chambers</u>	<u>200 Glendale Dr.</u>
<u>Cody Stubbfield</u>	<u>Cody Stubbfield</u>	<u>200 Glendale Dr.</u>
<u>Leah Mendenhall</u>	<u>Leah Mendenhall</u>	<u>212 Glendale Dr.</u>
<u>JACOB MUNDY</u>	<u>JACOB MUNDY</u>	<u>212 Glendale Dr.</u>
<u>Roger & Jewell Nixon</u>	<u>ROGER & JEWELL NIXON</u>	<u>310 Glendale</u>
<u>Joan Thies</u>	<u>Joan Thies</u>	<u>316 Glendale Dr.</u>
<u>Shirley Adams</u>	<u>Shirley Adams</u>	<u>231 Glendale Dr.</u>
_____	_____	_____

306 Glendale DR

1 Home Wilfred Cooze
Billi "

Lived here
for 23 years

ASK NO

CALL ME

100 why

595-2398

OR
595-2975

306
Glendale

Neighborhood

Meeting

Peggy Lewis
2 Home



Glendale Residents and Mountain Drivers are coming together to raise important concerns regarding the proposed development at the corner of Signal Mountain Road (Hwy 127) and Glendale Drive. Please be a part of this meeting if you would like to voice your concerns, as well. Chip Henderson, City Council Member representing District 1, and Channel 3 WRCB have been invited to attend.



May
Thursday, April 5, 6pm - 7pm

At the Frisbee/disc golf park across from
the proposed development
Please bring a folding chair

To Chip Henderson and members of the Chattanooga City Council:

We, the undersigned, are **STRONGLY OPPOSED** to the proposed re-zoning of the land at the corner of Signal Mountain Road and Glendale Road. We would like to see this area remain residential as it is zoned (except for the small 2,000 sq ft bldg. that we realize is already zoned commercial).

Name	Address	Phone Number	Email
Nate Soules	1001 Oak St Apt 1	423-305-8544	nate6001@gmail.com
Russell Forbes	2500 Ashmore Ave	423-643-9003	RussellForbes1200@gmail.com
Scott Tennio	4040 MTN Creek Rd Apt 1101	423-280-3357	scott_tennio@live.com
Colby Hale	22 Starnes Ln	423-718-4021	Squirtle5193@yahoo.com
Ni Louder	8607 Boulder View	779-7389	nico143@gmail.com
Brendan Thomas	427 Sevier St	424-8139	brendan.thomas12@bellsouth.net
Tamara Cloud	350 Carnation St	423-544-3116	T.Cloud39@yahoo.com
Blake Norton	904 Signal Rd.	423-399-9918	mudmud1013@yahoo.com
Burgette Beale	1832 Leavitts Market	423-505-4224	5PL3P@aol.com

Michelle Fleming,

124 Glenview Ave

423-452-7461

meflem975@gmail.com

Teyton Sibley

1831 Ashmore Pkwy.

423-322-2405

teyton.sibley@gmail.com

Cont. on Back

Name	Address	Phone #	emil
Jacob Mundy	212 Glendale Dr	615-978-6857	jacobmundy@gmail.com
Brandon Wilcox	215 Glendale Dr	423-322-1282	Brandonwilcox@yahoo.com
Hunt Hen	223 Glendale Dr	423-443-2011	Hunt Hen@yahoo.com
Nathan Chambers	200 Glendale Dr	931-622-2264	chambers.k20@gmail.com
Robert Haldin	110 Southview St	423-463-8465	
April Jones	110 Southview St	11	
L. A. Lawson	108 Glendale Dr.		
Mat mrs. John Padgett	106-106 1/2 Glendale Dr.		
Beverly Crastain	211 Glendale Dr		

*Bill Coozz - 312 Glendale Drive Resident Owner.
310 Glendale Drive Resident Owner.*

Neighborhood Meeting



Glendale Residents and Mountain Drivers are coming together to raise important concerns regarding the proposed development at the corner of Signal Mountain Road (Hwy 127) and Glendale Drive. Please be a part of this meeting if you would like to voice your concerns, as well. Chip Henderson, City Council Member representing District 1, and Channel 3 WRCB have been invited to attend.



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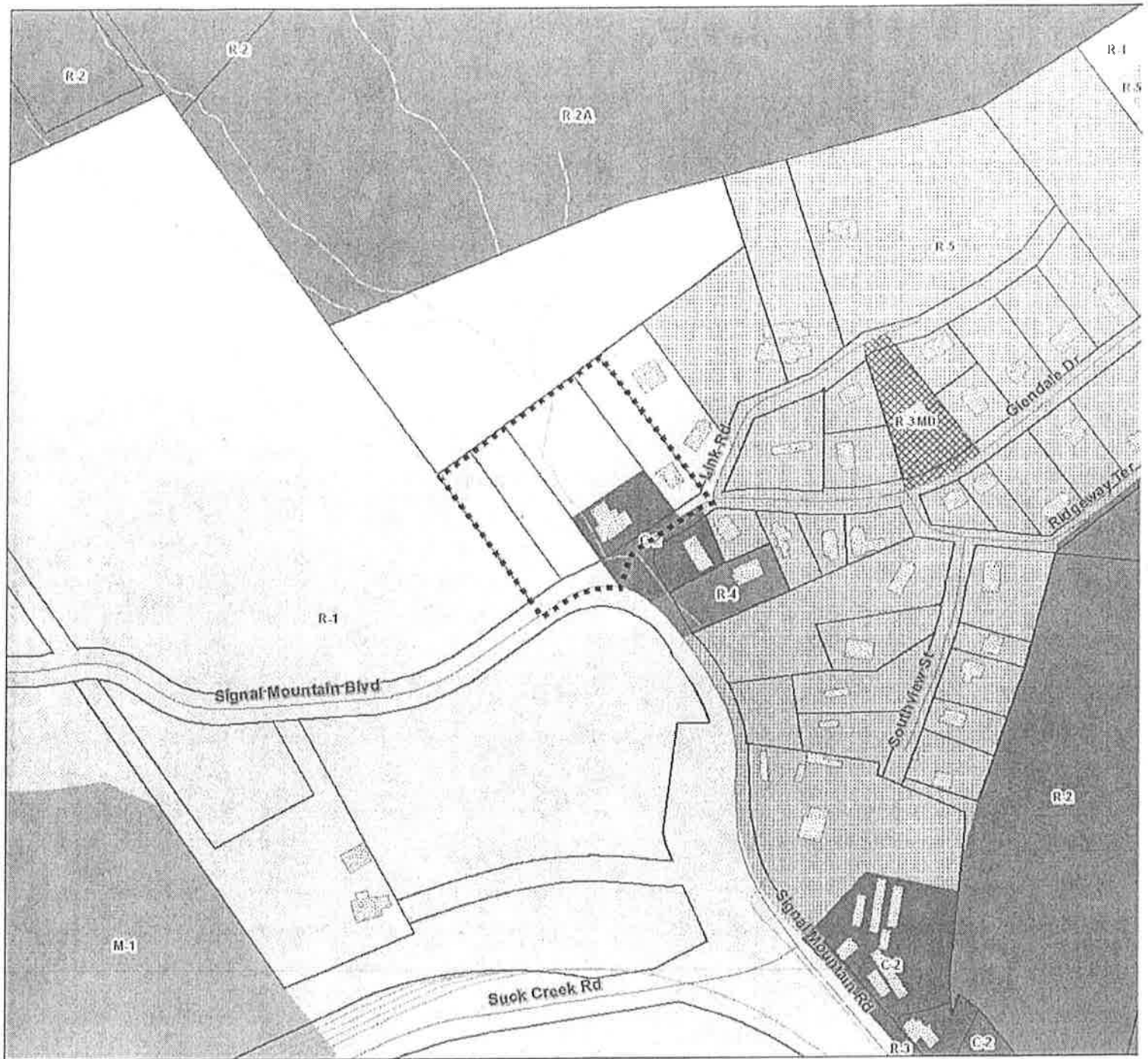
*Bill Coozz - 312 Glendale Drive, Chattanooga TN 37405
NO to the proposed Development for the
Signal Mountain Access (over)*

at This location would backup traffic on Glendale Drive and on Signal Mountain Boulevard which would enter at a location which not only is at the bottom of a steep grade coming down the Mountain but also at a curve to access up and down the mountain. Without extensive Highway Improvements this access would be extremely dangerous. This is based on my 30 years of experience with the State of Tennessee as a negotiation/Buyer for the highway interactions and Bridges.

2. Glendale is already a cut through Road to Signal Mountain Road from Mountain Creek Road with heavy traffic.

3. This is not needed!

Paul Cozzi



2016-077 Rezoning from R-1 and C-2 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-077: Deny

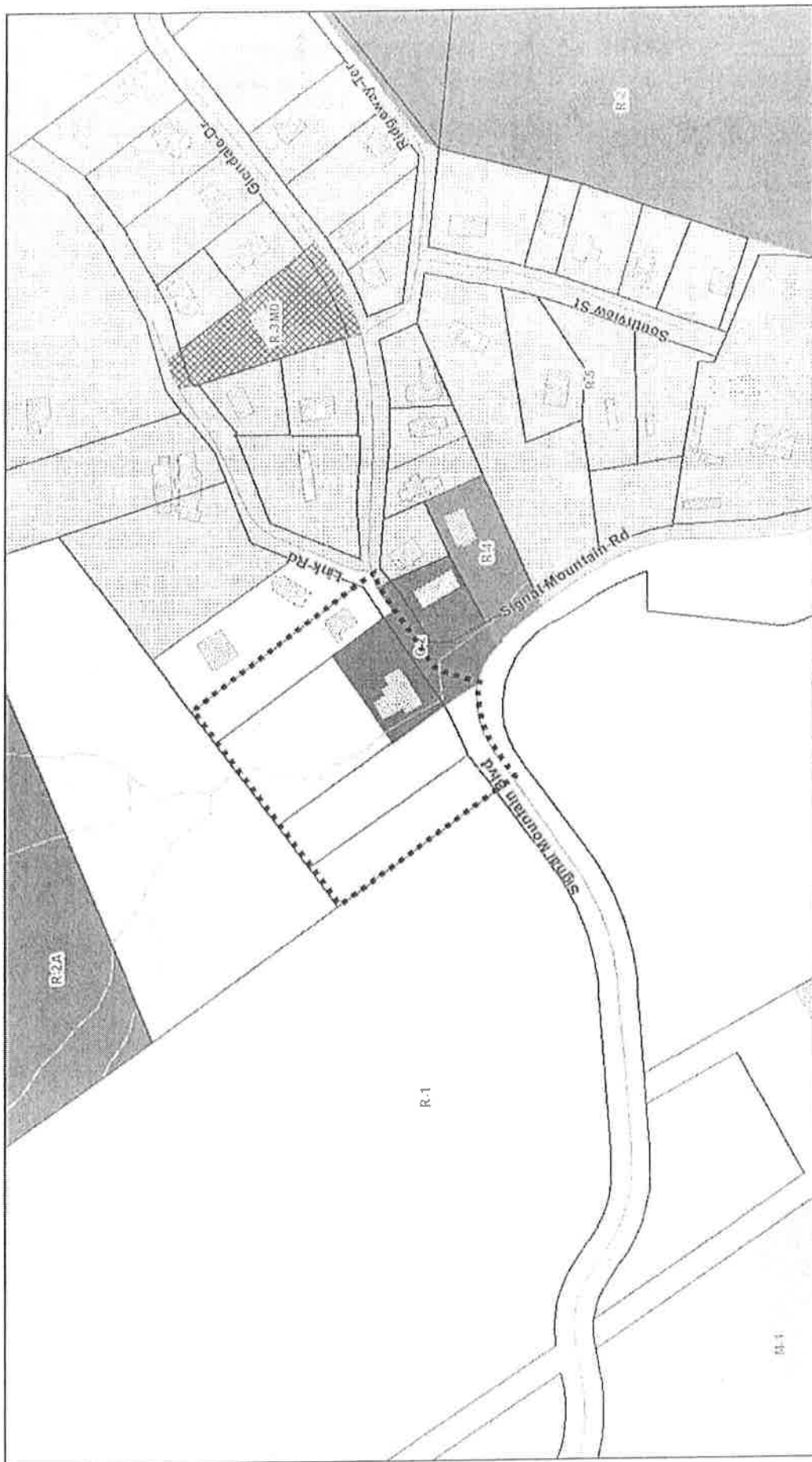


268 ft



Chattanooga Hamilton County Regional Planning Agency





2016-077 Rezoning from R-1 and C-2 to C-2



216 ft



Chattanooga Hamilton County Regional Planning Agency

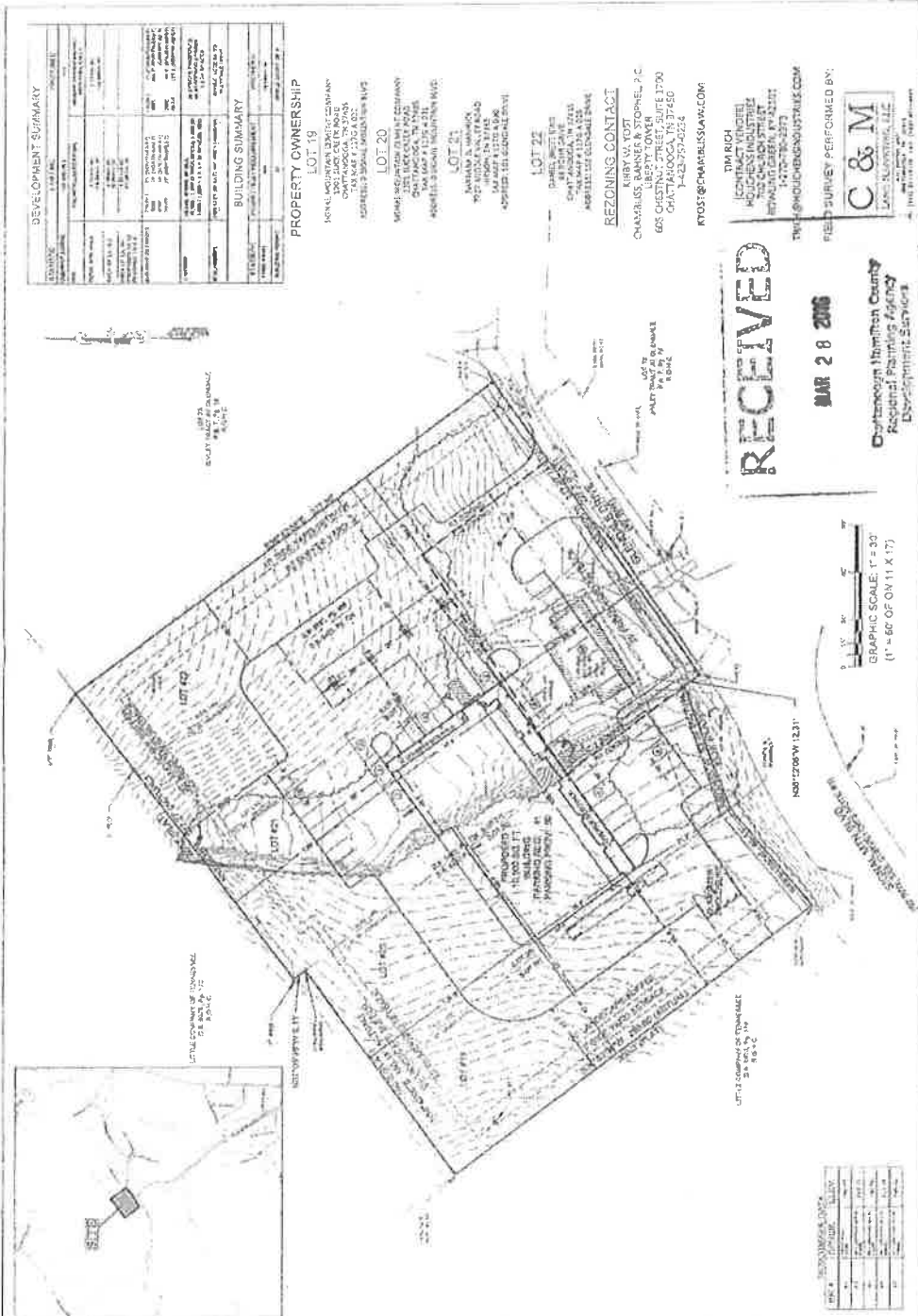
NAME	
DATE	
TIME	
LOCATION	
REMARKS	

REZONING
EXHIBIT

11/11/2011
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10

62204



MAR 28 2016

Ontonagon Planning County
Regional Planning Agency
PO Box 10000, Sault Ste. Marie, MI 49783

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2016-066 David Hudson for McCallie Commons/Tatiana Zadora, S.S. Moharreri, A.M. Moharreri, and Mack Wiggins for WW Group. 1006, 1008, 1010 Oak Street and 657 O'Neal Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2016-070 Southeast Medical Properties, II, LLC. 7127 Igou Gap Road, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2016-077 Jr. Food Stores, Inc. 101 and 103 Glendale Drive and two unaddressed properties in the 1100 block of Signal Mountain Road, from R-1 Residential Zone and C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied for the M-1 Manufacturing Zone and approval is requested of the M-2 Light Industrial Zone:

2016-077 Chris Maughon/Peggy J. Holder. 4155 Randolph Circle, from A-1 Urban Agricultural Zone to M-1 Manufacturing Zone, only that portion of 128E-A-005 that is within six hundred (650') feet from the South Access Road right-of-way as measured along Benton Drive.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permits be approved:

2016-069 Pratt & Associates. 5706 and 5650 Cassandra Smith Road and Phases 1 through 3 of Amberbrook Gardens, for a Residential Planned Unit Development.

2016-078 Pratt & Associates/Robert D. & Sandra S. Purcell. 660 Julian Road, for a Residential Planned Unit Development.

2016-079 The Baylor School. 100 block of Baylor School Road,
for an Institutional Planned Unit Development.

5. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) **Deleting** Article V, Division 18, C-7 North Shore Commercial/Mixed Use Zone in its entirety.
- (b) **Adding** a new Article XVI, Downtown Form-Based per the digital copy on the website online at www.chcrpa.org.
- (c) **Adding** a new Item (24) of Article III, Section 38-568, Powers, etc., of board; hearings.
- (d) **Adding** Section 38-530 of Article VI, Division 2, Other Special Exceptions.

6. The Chattanooga-Hamilton County Regional Planning Commission has recommended that a petition to rezone be approved for specific properties within the Downtown Chattanooga Form-Based Code Area Boundary, more particularly described in the Downtown Zoning Study attached to the proposed ordinance and made a part by reference from M-1 Manufacturing Zone, C-3 Central Business Zone, C-7 North Shore Commercial/Mixed Use Zone, R-3 Residential Zone, C-2 Convenience Commercial Zone, R-4 Special Zone, R-1 Residential Zone, R-T/Z Residential Townhouse/Zero Lot Line Zone, RT-1 Residential Townhouse Zone, UGC Urban General Commercial Zone, O-1 Office Zone, and M-2 Light Industrial Zone to the following zones within the Downtown Chattanooga Form-Based Code: D-RM Residential Multi-Unit Zone, D-CX Commercial Mixed Use Zone, D-SH Shopfront Mixed Use Zone, D-CIV Civic Zone, D-PK Parks and Open Space Zone, R-RF Riverfront Zone, R-RV River View Zone, R-CIV Civic Zone, R-PK Parks and Open Space Zone, U-RD Residential Detached Zone, U-RA Residential Attached Zone, U-RM Residential Multi-Unit Zone, U-CX Commercial Mixed Use Zone, U-SH Shopfront Mixed Use Zone, U-IX Industrial Mixed Use Zone, U-CC Commercial Corridor, U-IN Industrial Zone, U-CIV Civic Zone, U-PK Parks and Open Space Zone, E-RD Residential Detached Zone, E-RA Residential Attached Zone, E-RM Residential Multi-Unit Zone, E-CX Commercial Mixed Use, E-SH Shopfront Mixed Use Zone, E-IX Industrial Mixed Use Zone, E-IN Industrial Zone, E-CIV Civic Zone, and E-PK Parks and Open Space Zone.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

June 14, 2016

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2016.

Nicole Gwyn
Clerk to the City Council